A Brief Review of the Legislative Aspects of Noise Pollution in India

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Abstract

With the advancement of science and technology at an unprecedented pace, the urban centers of today’s world have evolved not just in size but also in terms of the living conditions provided by them. This has brought about an increasing new awareness about the noise pollution, which has become a part of our day-to-day lives. Studies have been conducted to trace the amount of damage caused by the noise from various natural as well as man-made sources, especially traffic. In fact, noise has come to be associated with the mental, physical, emotional and psychological well-being of an individual, be it human beings or even animals. In legal terms, noise can be considered as an assault on an individual. Apparently, this is a potential hazard to the provisions of sound living conditions and needs to be checked at planning, administrative and judicial level. This paper identifies the various legislative provisions available in India and other parts of the world to check this menace. Reference has also been made to the conclusions from the studies by researchers, legislative cases involving noise pollution and the statistical analysis of the current situation.

Keywords: Noise pollution, environmental legislation, pollution-related law
INTRODUCTION

Amravati is the seventh most populated metropolitan city in Maharashtra located at 200 56’ North latitude 770 47’ East longitude. The total area of the Municipal Corporation is about 121.56 Sq. Km. and the population as per 2011 census record is 899,579 souls. Amravati has good road, rail connectivity with almost all important cities like Nagpur, Mumbai, Kolkata, and Chennai. Noise is an inevitable part of everyday life. Mild noise can be annoying, excessive noise can destroy a person's hearing. The slightest unwanted sound can become very annoying if it continues for any length of time. The vehicular traffic and railways are the major sources of noise. Railways are noisy, it contributes a high concentration of noise in a very less time period, which is very dangerous for human health. The major factors influencing the generation of noise due to railways are Frequency of Trains, Speed of Trains, Nature of Railway Track, Intensity of Horn and many more. Rajapeth is one of the important intersection in Amravati. From this intersection one of the major road goes towards Badnera and another one go towards Ambadevi, Rajkamal and Dasturnagar. Also a railway route from Amravati railway station to Badnera railway station passes through this intersection. The various Educational institutes, vegetable market, religious places, temples, commercial market, marriage hall, bus stop, auto stop etc., are connected by this intersection. Recently due to sudden increase in the number of train from Amravati railway station the railway gate at Rajapeth railway crossing is closed for almost 2:30 hours a day which causes traffic conjunction, which causes great inconvenience to the road users and nearby locality. Roadway noise is the collective sound energy emanating from motor vehicles.

Environmental Protection as a Global Issue and its Legislative History in India

Environment is an aggregate of all external conditions and influences affecting the life and development of an organism. Once it is disturbed, no better living conditions for human beings can be created. Hence to make the enjoyment of life more meaningful, the preservation and protection of natural environment must be given priority and the human activities causing ecological imbalance must be stopped forthwith. Justice P. A. Choudhary of Andhra Pradesh High Court, while expressing his views on the need of environment in the enjoyment of life and personal liberty under Article of the Indian Constitution in T. Damodar v. State of Andhra Pradesh has rightly observed: “The enjoyment of life and its attainment and fulfillment guaranteed by Article 21 of the Constitution embraces the protection and preservation of natural gifts without which life cannot be enjoyed.” The view of the learned judge seems to be based on the principle involved in Article 25 of the Universal Declaration of Human Rights 19486 which stresses the quality of human living from the health point of view. It reads: “Every one has a right to a standard of living adequate for the health and well-being of himself and his family.”
Noise as an Environmental Problem in India

Noise in recent years has emerged as one of the important pollutants of environment. In fact, it needs some legislation for its control like the Air Pollution act and Water Pollution Act but no legislation for it has yet been enacted despite the fact problem of noise is, in no way, less delicate than the problem of air and water pollution. No doubt, there are some central and state enactments which directly or indirectly relate to the problem of noise; however, there is no specific legislation in India as in some other countries to meet the growing challenges of noise pollution on national level. Noise of dhol, dhapli, bigul and shankh has been in the root of our Indian Culture. There is hardly any religious ceremony or festival in India being performed without any noise. But due to the rapid growth of urbanization and industrialization, noise has become a serious challenge to the quality of life of the people in most of the industrialized countries. Noise has rather become a permanent feature in the normal life of the people. The noise carries its adverse effects on human health, animals and birds by way of causing various health hazards. Thus noise is poised to challenge to human survival.

Existing Legal Provisions for Controlling Noise

Section 268 of the Indian Penal Code states that “A person is guilty of public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, ob Major Noise. Sources.

1. Road Traffic:- Road traffic noise is one of the most widespread and growing environmental problems in urban areas. In 1991 it was estimated that in Sydney:

a) 1.5 million residents were exposed to outdoor traffic noise levels defined by the OECD as undesirable (between 55 and 65 dB (A)), where sleep and amenity are affected.

b) 350,000 of these residents were estimated to experience noise levels considered as unacceptable (greater than 65dB(A)), where behavior patterns are constrained and health effects are demonstrable (ABS 1997b). traction, danger or annoyance to persons who may have occasion to use any public right.’

2. Air Traffic:– In the metropolitan area it has been the case of considerable community concern. The extent of aircraft noise impact depends on the types of aircraft flown, the number of flights and flight paths. Under Section 5 of the Aircrafts Act, 1934 it is expected that aerodromes be constructed far away from residential areas of a city in order to protect residence from the noise created by frequent take-off and landing. Moreover, under the rule-making powers confirmed by Section 8 (A) of the Aircrafts Act, 1934 and its supercession of the Indian Aircraft (Public Health) Rules, 1946, Central Government can make rules of control noise pollution for safeguarding health.
3. Rail Traffic:- There are two main sources of noise and vibration relating to the operation of the rail network: the operation of trains and the maintenance and construction of rail infrastructure. The level of noise associated with rail traffic is related to the type of engine or rolling stock used, the speed of the train and track type and condition. The population centers served by electric trains, which are generally quieter than diesel, do not face much problem. Areas affected by freight trains often experience higher noise levels than areas affected by passenger trains. The problem of noise is compounded by the requirements of railway operations (especially night operations) and factors such as stopping patterns and topography, which can lead to localized problems.

Neighborhood & Domestic Noise:- Other significant sources of noise annoyance in Sydney include barking dogs, car alarms, garbage recycling, lawn-mowers, building construction and household noise. A significant proportion of complaints received by local councils, the police and the EPA are related to neighborhood noise. The national noise survey found that noise from barking dogs and road traffic have the greatest impact on residential communities. Noise from barking dogs is of particular concern because it is unpredictable and often happens repeatedly.

Effects of Noise:- Noise is a type of atmospheric pollution. Noise and sound cannot be taken to mean the same thing. The two terms differ in their meaning. It is only when the effects of a sound are undesirable that it may be termed as noise. In acoustics, noise is defined as any undesired sound. Noise by definition is unwanted sound. What is pleasant to some ears may be extremely unpleasant to others depending upon a number of psychological factors. The sweetest music, if it disturbs a person who is trying to concentrate or to sleep is noise to him, just as the sound of a pneumatic riveting hammer is noise to everyone. In other words, any sound may be a noise if circumstances cause it to be disturbing.

Effects of Noise on Life and Liberties:- Personal liberty means a bundle of rights, essential for the existence of human life. In Maneka Gandhi v. Union of India10, the Supreme Court pointed out that the expression “personal liberty” does not mean only liberty of the persons but also liberty or rights attached to the person (Jus-personam). A division bench of the Delhi High Court observed in AV Chardel v. Delhi University5 that the expression “life and personal liberty” includes a variety of rights, which though not enumerated in Part-III of the Constitution, can be included in various aspects of liberty provided they are necessary for the full development of human personality. Article 21 have rightly said: “the right to life enshrined in Article 21 cannot be restricted to mere animal existence. It means something much more than just physical survival. The right to life includes the right to live with human dignity and all that goes along with it.” Thus the expression “personal liberty” is not confined to the protection of limb and faculty but includes everything essential fr the
enjoyment of life with all human dignity. A very important question how far the violation of liberties essential for life caused by the environmental pollution lies within the scope of Article 21 has been discussed by the High Court of Andhra Pradesh in T. Damodar Rao v. S. O. Municipal Corporation, Hyderabad. It observed: “The enjoyment of life and its attainment and fulfillment guaranteed by Article 21 of the Constitution embraces the protection and preservation of nature’s gifts without which life cannot be enjoyed. There can be no reason why practice of violent extinguishment of life alone should be regarded as violative of Article 21 of the Constitution. The slow poisoning by the polluted atmosphere caused by environmental pollution and spoliation should also be regarded as amounting to violation of Article 21 of the Constitution.

CONCLUSIONS AND RECOMMENDATIONS
Conclusions and recommendations, suitable for adoption in Indian condition are stated below:1)- The existing enactments, which directly or indirectly relate to the problem of noise pollution in India, are found inadequate to control it on national level. Hence, there is need to have some specific and effective legislation to control noise pollution in the country which will be best suited to Indian culture and social set-up. Promotion of noise standards from various component sources at specific time of the day by the government. Recognition of the right of the citizens to enjoy noise-free environment through some constitutional guarantee. Declaration of noise as an offence on personal liberty and healthy living. Creation of separate Courts for the trial of cases of noise. Prescribe volume / pitch level for loudspeakers at religious places, processions / public gathering and festivals. Award of compensation to affected individuals/people.

From the observations taken at the selected station, it was found that the sound exceeds permissible limit of 55 dB for residential and 65dB for commercial area. On all study at the selected location the maximum noise limits were ranging between 70 dB to 110 dB which was almost 1.5 times the permissible limits for commercial zone. This variation of sound from 70dB to 120dB may have moderate to very severe effects on human health such as, poor concentrations, stress, cardiovascular illness and many more. It is very essential to control noise at source, along the transmission path and at receivers end by using the remedial measure.

REFERENCES